

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

JONATHAN LEE RICHES,

Plaintiff,

vs.

GARY WINNICK; FCI,  
WILLIAMSBURG; and ARAMARK,

Defendants.

CV-08-31-BLG-RFC-ESU

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
U.S. MAGISTRATE JUDGE

On March 28, 2008, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss Plaintiff's Petition for lack of jurisdiction. It is further recommended that this Court certify that any appeal taken from this dismissal would be in bad faith.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the March 28, 2008 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

Here, Magistrate Judge Ostby correctly concluded that 28 U.S.C. 2241(a) does not

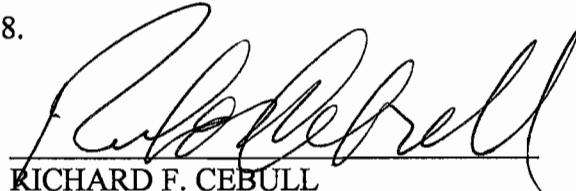
provide this Court with jurisdiction to entertain habeas cases outside its jurisdiction. Although it is unknown in which jurisdiction Riches was convicted, both his Wikipedia entry and the Bureau of Prisons Inmate Locator website list him as currently incarcerated in FCI Williamsburg in the District of South Carolina. Accordingly, Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and are adopted in their entirety.

**IT IS HEREBY ORDERED** Plaintiff's Petition (*Doc. 1*) is **DISMISSED**.

Pursuant to Fed.R.App.P. 24(a)(4)(B), any appeal of this Order should be taken in bad faith.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 15<sup>th</sup> day of April, 2008.

  
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RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE